

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>WILLIAM DAVIDSON HAMBY, JR.,</b>	)	
	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil No. 3:12-cv-1296</b>
<b>v.</b>	)	<b>Judge Sharp</b>
<b>BETH GENTRY</b>	)	
	)	
<b>Defendant.</b>	)	

**ORDER**

Pending before the Court is a Report and Recommendation (“R & R”) of the Magistrate Judge (Docket No. 106), recommending that Plaintiff William Hamby’s complaint be dismissed. Earlier, Plaintiff filed a Motion to Dismiss his suit (Docket No. 97), which Defendant did not oppose. As a result of Plaintiff’s motion, the Magistrate Judge entered an order requiring Plaintiff to state in writing whether he intended to prosecute the case (Docket No. 100). Plaintiff failed to respond to the Magistrate Judge’s order, and the Magistrate Judge recommended that Plaintiff’s complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure for failure to prosecute. Neither party has objected to the R & R.

Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” FED. R. CIV. P. 72(b).

Having conducted a *de novo* review in accordance with Rule 72, the Court will accept the disposition set forth in the R & R. Accordingly, the Court rules as follows:

- (1) The R & R (Docket No. 106) is hereby ACCEPTED and APPROVED;
- (2) Defendant’s Motion to Dismiss (Docket No. 98) is DENIED AS MOOT.

The Clerk of the Court shall enter Final Judgment in a separate document in accordance with Rule 58 of the Federal Rules of Civil Procedure.

It is SO ORDERED.

A handwritten signature in black ink that reads "Kevin H. Sharp". The signature is written in a cursive style with a large, stylized 'K' and 'S'.

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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE